

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD M. BIRD,

Plaintiff, No. CIV S-04-1938 DFL JFM PS

vs.

MAGISTRATE GREGORY  
G. HOLLOWES,

Defendant. ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On April 22, 2005, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within ten days. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed April 22, 2005, are adopted in full;
  2. Defendant's February 11, 2005 motion to dismiss is granted;
  3. This action is dismissed; and
  4. Defendant's February 28, 2005 motion to declare plaintiff to be a vexatious litigant is denied.

DATED: 6/9/2005

DAVID F. LEVI  
United States District Judge

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